

I am from monterey and will be attending the FCC hearing July 21st.

The FCC Censored Me!

With the FCC's recent June 9th Consent Decree, Clear Channel Communications admitted to wrongdoing only so long as none of its criminal activities were ever mentioned in the future. I think this might be a fair compromise between intimate partners, you know, "I'll say I was wrong as long as you never use it against me." But it is far too cozy a deal between a corporation and the government regulatory body entrusted to represent the public interest.

I was one of the 200 citizens who had an indecency complaint filed against Clear Channel. In fact, my complaint was one of the 14 being investigated at the time. But now all these cases have been terminated in accordance with the terms of the June 9th agreement. Have you read the decree? It's less than ten pages.  
[www.fcc.gov/eb/News\\_Releases/DOC-248237A1.html](http://www.fcc.gov/eb/News_Releases/DOC-248237A1.html)

In exchange, Clear Channel offered to pay an "unprecedented" \$1.75 million fine. By doing so, the Republican majority of the FCC not only agreed to bury all indecency complaints filed to date, but also agreed to make these complaints not admissible in re-licensing hearings.

So for less than \$2 million, which is only a small percentage of Clear Channel's annual income, the FCC placed a gag order on itself and censored me. In fact, mailing the complaint was a larger percentage of my income than Clear Channel had to pay.

My case is a prime example of how the current distribution of broadcast licenses is not serving local concerns.

My complaint involved a DJ broadcasting out of San Francisco. He was coaching a 4 year old girl to tell jokes about oral sex and yeast infections; weekly! Now, I have laughed at more than a few "Frat Boy" jokes, but this was a real little girl being coached by the girl's father with the DJ promising to give her a gift if she told the joke. It was horrible. I sent copies to the FCC at the time of broadcast.

When asked, the company claimed it was an adult actress. However, they would not release her name. But the broadcasts never said it was an adult actress and I don't believe it was.

It turns out this particular DJ wasn't even living in my state. He was "streaming" out of Dallas, Texas. I called the Dallas Police Department and they had a special child exploitation division because the largest Child Porn bust had just occurred in that region. The Dallas Police heard the tape and phoned the station, but the program director refused to cooperate in anyway unless actual charges were being filed. "Katie" was never heard on the radio again.

Two weeks later, I taped the same DJ giving kidnapping tips on how best to restrain and then dispose of little girls bodies. He was

actually broadcasting while an abducted little girl's memorial service was being televised. The Clear Channel DJ told would-be kidnappers that they should use nylon rope and they should get their supplies, (rope-tarps-lye) at Orchard Supply and Hardware; a major chain in the state and the sole sponsor of a station contest. I phoned the local television station and aired my complaint. The regional paper picked it up the next day and the day after that the story went associated press. July 28,2002.  
[www.bayarea.com/mld/mercurynews/news/local/3747151.htm](http://www.bayarea.com/mld/mercurynews/news/local/3747151.htm)

This convinced Orchard Supply and Hardware to pull its advertising from the local station, but Orchard said it could not possibly boycott the broadcast company because Clear Channel dominates nearly every broadcast market in the country. Not only does Clear Channel own 1200 radio stations, it also owns 40 television stations, 700,000 billboards, amphitheatres, bus shelters and other "street furniture" like taxi cabs, parking garages, bus panels and news racks.

In other words, Clear Channel is trying to corner the market on all the mediums businesses need to reach their customers. Every business needs to advertise and Clear Channel has nearly made itself the only game in town.

A locally owned radio station with a local DJ could never have withstood the pressure of 10 regular advertisers pulling from the station in protest. But Clear Channel never even considered firing this DJ, so I kept taping.

Then on September 4, 2002 I caught what I believe to be the worst thing ever broadcast in the history of radio. I taped this DJ singing a song he wrote, produced, and performed with the lyrics, "Is she nine or is she twelve, ain't got no pubic hair, I like them bald and bare." and ends with the verse "I love to video tape, I'm into statutory rape."

Again I got a lot of local news coverage and was able to get dozens of local businesses to pull their ads, plus a few big national advertisers like Auto Zone. But again these large companies were helpless because they needed Clear Channel's services in other markets. [www.bayarea.com/mld/mercurynews/news/local/4121848.html](http://www.bayarea.com/mld/mercurynews/news/local/4121848.html)

This DJ was gone the next day, but his "leave from duty" lasted only three months. So I stopped taping. Then on January 14, 2003, Clear Channel brought this DJ back with the press release that stated, "Mikey stands for what KSJO stands for." I was flabbergasted and immediately downloaded copies of the press release and sent them to the FCC.

Then to my utter dismay, Clear Channel used its "synergy" to plaster Mikey's face all over my region on billboards, bus shelters, television ads, etc. Hardest to believe was the tag line, "Listen before we fire him . . . Again."

Clear Channel higher-ups had been quoted in all the previous commentary, so they were well aware of Mikey's actions. But now they were poking fun at the issue and promising that Mikey would do

it. . . Again! Where was their civic pride! Where was their concern for the community they operate within!

So I sat tight for two years letting the process work, while Mikey kept on broadcasting. I closely followed all of Commissioner Copps' dissents, hoping that his words were meant for me.

The reason the FCC restricts adult content to later hours, is because children are often in the audience during the day. Children are legally denied the right to protect themselves. They are full citizens but they are denied the right to vote, carry a gun, marry or drive. Because they have been denied their full rights as citizens, they can ask for special protection under the law.

The FCC fines were never meant to censor anyone. The FCC was just enforcing the contract all broadcasters agree to when they receive their licenses. This is not an attempt to "childproof" society, this is just a government agency trying to zone adult activity on public property so children can enjoy the space too.

Now the FCC was on the move and I saw my case, not as one of civil indecency, but as criminal obscenity. I know the Supreme Court has had a difficult time defining obscenity in narrow enough terms to prevent its own language from threatening protected speech. But if they need a suggestion, how about the phrase "portrays children as sexual prey."? Seems to me this is narrow enough for a starting point.

I watched and read as fines were handed down and then in dramatic move to put on a new face, Clear Channel threw down a wild card and fired Howard Stern for his indecent broadcasts. But with a slight of hand Clear Channel replaced Stern's spot in San Diego with my DJ "Mikey". [www.themorningmouth.com/](http://www.themorningmouth.com/)

Instead of moving Howard Stern to an appropriate time slot, Clear Channel chose to censor Stern because he was beginning to criticize President Bush. I knew Stern was telling the truth when he said indecency was not the issue, because look who they put into his spot!

Yesterday I was in San Diego and I decided to listen to Mikey. On the morning of July 8, I heard Mikey ask a middle-eastern man from San Diego, who had called up the show to complain about the blatant racism, if he was calling from Guatanomo Bay. Mikey then proceeded to tell the man that he would like to "get him naked on his knees and take pictures of him." I did not catch this on tape, but I did catch a whole lot of Arab bashing that followed.

So I listened to Stern and decided to investigate the ownership of Clear Channel, who still has the distinction of being the "Largest broadcasters of indecency in the nation."

So who is Clear Channel?

It turns out that the CEO of Clear Channel, Lowry Mays, built the George Bush Sr. Presidential Library on the Lowry Mays School of Business. Lowry Mays has also been quoted as saying he is a

longtime family friend of the Bush's.

<http://home.earthlink.net/~platter/articles/030424-boehlert.html>

The Vice Chair of Clear Channel is Tom Hicks and he's the man who bought the Texas Rangers in 1998, making the President a multi-millionaire.

<http://www.cbsnews.com/stories/1998/01/08/archive/main69.shtml>

Bush had even appointed the lead lawyer in the Clear Channel/ AMFM merger deal as the Assistant Attorney General for the Antitrust Division of the Department of Justice. Charles James was the man supposed to be in charge of enforcing anti-trust laws on monopolies like Clear Channel.

[http://www.usdoj.gov/opa/pr/2002/October/02\\_at\\_576.htm](http://www.usdoj.gov/opa/pr/2002/October/02_at_576.htm)

Is this why San Antonio based Clear Channel has gotten away with breaking almost every law in the book? Clear Channel's size and connections make it so its illegal activities are not being punished or stopped. Meanwhile, local communities continue to pay the price. FCC Commissioner Michael J. Copps, has also tied consolidation to indecency, suggesting that centralized owners are less interested in and responsive to community standards.

<http://www.washingtonpost.com/wp-dyn/articles/A29568-2004Jun9.html>

The FCC's June 9 Decree is a full blown scandal, a complete cover-up to hide what Clear Channel has been broadcasting. Clear Channel has broken numerous anti-trust laws, payola laws, employee contract laws, ownership laws, indecency laws, and on and on. The FCC and the Department of Justice have allowed them to get away with it all. Is it because of all the personal and political connections? Has to be.

This media monopoly is a threat to decency and democracy in America. Like a country song, I have been wronged and I have been lied to, but let me tell you, I ain't gonna let them get away with sexually exploiting a child on the radio in my hometown. Not me. How about you?

Please make Clear Channel answer for its actions by losing the privilege to broadcast in my community.

Sincerely James Burns [karmaflagel@msn.com](mailto:karmaflagel@msn.com)